

Remarks

In the present RCE, claims 1 – 21 are presented for examination.

Claim Rejections: 35 USC § 102(e) and 103(a)

Claims 19-20 are rejected under 35 USC § 102(e) as being anticipated by USPN 6,657,667 (Anderson). Claims 1-5, 9, 11-15 and 21 are rejected under 35 USC § 103(a) as being unpatentable over USPN 6,657,667 (Anderson) in view of USPN 7,057,658 (Shioji). Claims 6-8 and 16-18 are rejected under 35 USC § 103(a) as being unpatentable over USPN 6,657,667 (Anderson) in view of USPN 7,057,658 (Shioji) and USPN 6,545,708 (Tamayama). These rejections are traversed.

Each of the independent claims recites one or more elements that are not taught or suggested in Anderson in view of Shioji and Tamayama. These missing elements show that the differences between the combined teachings in the art and the recitations in the claims are great. As such, the pending claims are not a predictable variation of the art to one of ordinary skill in the art.

As one example, the independent claims 1, 11 and 21 recite using video object tracking to track the overlaid indicia as the overlaid indicia moves over the image displayed on the display as the camera is moved. Independent claim 19 recites using video object tracking to track the transparent displayed image as the transparent displayed image moves across the display in a direction that is opposite to the direction of the subsequent photograph until the transparent displayed image overlaps a predetermined portion of the subsequent photograph that is to be taken. The art does not teach or suggest these elements.

In Anderson, after the first image is captured, a portion of the first image is frozen onto the display. While this portion of the first image is **still** (i.e., not moving), the user aligns the next image with the still image. Anderson expressly teaches that the first image is still while the user aligns the next image to be captured:

Referring again to FIG. 7B, after displaying the live image in the live view zone in step 588, the user establishes horizontal and vertical alignment between the live image in the live view zone with the

overlapping still images in the other zones in step 590 by altering the position of the camera. After aligning the live image with the still image in step 590, the user captures the image for the current pane in the composite image array in step 560 (FIG. 7A) and the process continues. (Emphasis added: See Anderson at column 9, lines 15-23).

After the user aligns the live view image with the still image in zone A and captures the image for image pane 3, image pane 4 becomes the current image pane. (Emphasis added: See Anderson at column 9, lines 34-36).

Figure 10B in Anderson shows how a portion of the first image (shown in Zone A as 440a) remains still as the second image (i.e., the image labeled “Live View”) is aligned with the first image. During this alignment process, the portion of the first image in Zone A does not move.

The teaching in Anderson is in direct contrast to the amended claims which recite using video object tracking to track the overlaid indicia as the overlaid indicia moves over the image displayed on the display as the camera is moved. Anderson would have no need for video object tracking since the first image remains still while the second image is aligned with the first image. Shioji and Tamayama fail to cure the deficiencies of Anderson.

The differences between the claims and the teachings in the art are great since the references fail to teach or suggest all of the claim elements. As such, the pending claims are not a predictable variation of the art to one of ordinary skill in the art.

For at least these reasons, the claims are allowable over the art of record.

CONCLUSION

In view of the above, Applicant believes that all pending claims are in condition for allowance. Allowance of these claims is respectfully requested.

Any inquiry regarding this Amendment and Response should be directed to Philip S. Lyren at Telephone No. 832-236-5529. In addition, all correspondence should continue to be directed to the following address:

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Respectfully submitted,

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